

## Chang, Lisa

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**From:** Chang, Lisa  
**Sent:** Tuesday, July 21, 2015 1:49 PM  
**To:** Anderson-Carnahan, Linda; Thomas, Sally  
**Cc:** Bonifaci, Angela; Fournier, Tony; Castanon, Lisa  
**Subject:** RE: Swinomish grant issues?

Hi Linda,

Thanks so much for chiming in. And a big thank you for sharing the draft policy - that is extremely helpful in thinking about how to approach several other things we are working on as well.

The Swinomish award is actually a subaward through the NWIFC LO cooperative agreement. We've met with both Lisa Castanon as well as Tony on this to get a stronger understanding of our authority under the "substantial involvement" T&C in the NWIFC LO award. Wes' and your input is helpful additional input as we continue working with NWIFC and Swinomish on their activities under the award!

Lisa

-----Original Message-----

**From:** Anderson-Carnahan, Linda  
**Sent:** Monday, July 20, 2015 6:54 AM  
**To:** Chang, Lisa; Thomas, Sally  
**Cc:** Bonifaci, Angela; Fournier, Tony; Castanon, Lisa  
**Subject:** RE: Swinomish grant issues?

Hi Lisa,

Thanks for conferring with us on this issue. I had heard about it from Dan.

My first question is whether this is a grant or a cooperative agreement. If a grant, the primary purpose is to benefit the tribal community rather than to acquire services for EPA. Since there is no direct benefit to EPA, there isn't supposed to be any substantial involvement by EPA in carrying out the grant. That would tend to weaken our attempts to get more involved. However, does the work the Tribe is doing align with their workplan or in anyway involve prohibited practices (e.g. does it cross the line on lobbying with EPA funds)? I think that Tony Fournier would be the best person to consult with on these issues.

Finally, I'm sharing the current draft of the Agency's Treaty Rights Policy (PLEASE DO NOT SHARE THIS OUTSIDE OF THE AGENCY). I thought that reading through this might also help you think about how to approach the issue with the Swinomish.

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-----Original Message-----

**From:** Foster, Westley  
**Sent:** Monday, July 20, 2015 6:35 AM  
**To:** Chang, Lisa; Thomas, Sally  
**Cc:** Bonifaci, Angela; Anderson-Carnahan, Linda

Subject: RE: Swinomish grant issues?

Hey Lisa,

I'm cc'ing Linda on this message, as she will for sure want to be aware of this matter, (b) (6)

(b) (6)

In my experience, it's a common theme that a Tribe would not want EPA to "dilute" its message, but generally they've also been accepting of the fact that their messages (when using Grant Funds) shouldn't operate against the Agency's mission. You stated that there was concern about some of the products that were produced being of concern, could you elaborate on that at all? If I were in your place, I'd try to focus on creating a joint understanding on how the Tribe could maintain its message while being consistent in following the approved work plan and not placing work being done under grant funds in contradiction of the Agency's mission. I feel like I'm speaking in absolute general terms, as I don't really know what the exact concern is here, but if you want to elaborate a little further, I'm sure myself and Linda might be able to provide some direction on how to work with the Tribe on moving forward from this issue.

Linda- Any thoughts?

Westley Foster  
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-----Original Message-----

From: Chang, Lisa  
Sent: Friday, July 17, 2015 9:35 AM  
To: Foster, Westley; Thomas, Sally  
Cc: Bonifaci, Angela  
Subject: Swinomish grant issues?  
Importance: High

Hi Wes and Sally,

The Puget Sound program is dealing with an issue on some of our funding that is going to the Swinomish Tribe. The staff lead at Swinomish on this project is Larry Wasserman. It involves a "public education and outreach" campaign that, as implemented, we feel goes against the collaborative, cooperative spirit of CWA Section 320 (the authority under which we are providing the funding), the Puget Sound Action Agenda and Puget Sound Management Conference. Due to our concern with some of the products that we have seen, we've asked the tribe to pause on the project and for us to become more involved. As of yet, the tribe has been resistant to our involvement and doesn't want EPA to "dilute" the tribe's message and aims. Yesterday Larry and his attorney spoke with Dennis and Angela about this and stated that he doesn't think EPA has the authority to stop the project, but he is willing to meet with Dan and Angela next week.

I was just wondering - do you have any advice for us in how we approach this tribal interaction? According to the notes from yesterday's conversation with Angela and Dan (I was not there), Larry opened by asking to what extent Dennis was invested in this conversation, or if it should be further elevated.

Would much appreciate your thoughts or suggestions!

Lisa